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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,548	08/03/2001	Stanley J. Checketts	PSSAIS	9444

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Thompson E. Fehr
Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, UT 84403

EXAMINER

NGUYEN, KIEN T

ART UNIT PAPER NUMBER

3712

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,548

Applicant(s)

CHECKETTS, STANLEY J.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-13,15-18,20-28,30-33,35 and 36 is/are rejected.
- 7) ☐ Claim(s) 4,9,14,19,29 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 24, 26, 30, 31, and 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are two claims 24 in the present application, and they recite identical limitations. Claim 26 depends on claim 25 that is not existed in the present application. Claims 29 and 30 are confusing because they both depend on claim 27 and recite identical limitations. Claims 34 and 35 are also confusing because they both depend on claim 32 and recite identical limitations. Correction and/or clarification are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 10, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Moser et al U.S. Patent 5,941,777.

Moser et al disclosed a ride comprising at least one seat (17); an arm (21) attached to the seat; means (14) for rotating the arm and seat and having a point of rotation (12); a platform (16) and the arm being rotatably attached to the platform and the means for rotating (14) being connected to the platform; a lever arm (7b) that connects the arm to the means (14) so that the point of rotation of the means for rotating will be aligned with the center of gravity of a participant sitting on the seat;

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means (11) for directing the rotation and directing the seat and arm be returned to the pre-rotation of the arm and seat; sensors (39) for measuring a physical quantity such as angle of rotation (column 2, lines 23-24), and a logic unit (37) through which the means for measuring communicated with the means for rotating (see column 2, lines 20-24); and the arm and seat can rotate at least 90 degrees as shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6, 8, 11, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al.

Regarding claims 3, 8, and 23, it is noted that Moser et al. failed to teach the use of a timer in communication with the means for rotating. However, Moser et al. disclosed the use of an electronic control unit (37) for controlling drive means (11) and it is well known in the art that such electronic control unit typically contains a timer for controlling the duration of the rotation as well as the ride. Accordingly, it would have been a matter of design choice if not inherent to provide a time to the electronic control unit (37) for the reason as set forth above.

Regarding claims 6, 11, it is noted that Moser et al. failed to specifically point out that the electronic unit (37) as being programmable. However, it is well known in the art that such electronic unit (37) is typically a computer or equivalent and needless to say,

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most if not all computers are programmable. Accordingly, it would have been obvious to one of ordinary skill in the art to substitute the electronic unit (37) with any equivalent programmable device.

Claims 12, 13, 15, 16, 17, 18, 20, 21, 23, 27, 28, 32, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moser et al in view of Eyerly U.S. Patent 2,229,966.

Regarding claims 12, 17, 27, and 32, it is noted that Moser et al failed to teach the user of means for retaining a participant to the seat. However, such seat-retaining device is very well known in the art as evidenced by lap belt (see Fig. 3) of Eyerly. Therefore, it would have been obvious to one of ordinary skill in the art to modify the seats of Moser et al with the seat-retaining device as taught by Eyerly for the purpose of providing safety for the user.

Regarding claims 13, 15, 16, 18, 20, 21, 23, 28, and 33, please the above explanations for the respective subject matter.

Allowable Subject Matter

Claims 4, 9, 14, 19, 24, 29, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references are cited for interest.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn
August 11, 2003